



Docket No.: 241244US0CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/667,783
Applicants: Miroslav SMRIGA, et al.
Filing Date: September 23, 2003
For: AGENTS AGAINST STRESS-INDUCED DISEASES
Attention: Application Division

SIR:

Attached hereto for filing are the following papers:

Letter to PTO

English Translation of International Preliminary Examination Report

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter

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Registration No. 50,552



DOCKET NO.: 241244US0CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
Miroslav SMRIGA, et al. : ATTN: APPLICATION DIVISION
SERIAL NO.: 10/667,783 :
FILED: SEPTEMBER 23, 2003 :
FOR: AGENTS AGAINST STRESS-INDUCED DISEASES

LETTER TO PTO

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Applicants wish to make of record the English Translation of the International Preliminary Examination Report received in PCT/JP02/02571. A copy of the Japanese language version of the International Preliminary Examination Report was submitted on September 23, 2003.

Applicants submit that the present application is ready for examination on the merits. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter
Attorney of Record
Registration No. 32,884

Vincent K. Shier, Ph.D.
Registration No. 50,552

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PATENT COOPERATION TREATY

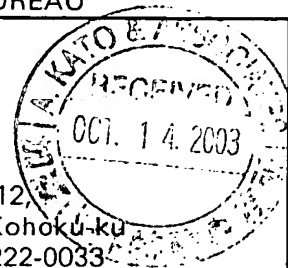
PCT NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

ISHIDA, Yasumasa
A. Kato & Associates
Bohsei Bldg., 7th Floor, 20-12,
Shin-Yokohama 3-chome, Kohoku-ku
Yokohama-shi, Kanagawa 222-0033
Japan



Date of mailing (day/month/year) 10 October 2003 (10.10.03)	
Applicant's or agent's file reference P2696PCT-AJ	IMPORTANT NOTIFICATION
International application No. PCT/JP02/02571	International filing date (day/month/year) 19 March 2002 (19.03.02)
Applicant AJINOMOTO CO., INC. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,CA,CN,KP,RO,US


The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP,EA,AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CH,CO,CR,CU,CZ,DE,DK,DM,DZ,EC,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,JP,KE,KG,KR,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,OM,PH,PL,PT,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TN,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZM,ZW,OA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.70.10	Authorized officer  Emmanuel BERROD (Fax 338 7010) Telephone No. (41-22) 338 8389
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P2696PCT-AJ	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP02/02571	International filing date (<i>day/month/year</i>) 19 March 2002 (19.03.02)	Priority date (<i>day/month/year</i>) 23 March 2001 (23.03.01)
International Patent Classification (IPC) or national classification and IPC A61K 31/198, A61P 25/00, 25/22, 1/00		
Applicant AJINOMOTO CO., INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 October 2002 (10.10.02)	Date of completion of this report 03 June 2003 (03.06.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/02571

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/02571

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 15, 16

because:

☒ the said international application, or the said claims Nos. 15, 16
relate to the following subject matter which does not require an international preliminary examination (*specify*):

See supplemental sheet

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 15, 16

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 02/02571

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III. 1.

The inventions set forth in Claims 15 and 16
pertain to methods for treatment of the human body by
surgery or therapy and to diagnostic methods.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 02/02571

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.	Statement				YES
	Novelty (N)	Claims			
		Claims	1-14, 17-18		NO
	Inventive step (IS)	Claims			YES
		Claims	1-14, 17-18		NO
	Industrial applicability (IA)	Claims	1-14, 17-18		YES
		Claims			NO

2. Citations and explanations

Document 1: JP, 7-309750, A (Ajinomoto Co., Inc.), 28
November 1995

The inventions set forth in Claims 1-14, 17 and 18 are not novel and do not involve an inventive step, because they are disclosed in Document 1. It is obvious to a person skilled in the art that central nervous stabilizers are effective in combating stress-induced diseases.